## REMARKS

This Amendment, submitted in response to the Office Action dated November 7, 2003, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claim 10 has been objected to for informalities. Claim 10 has been amended as indicated above.

Claims 6-9 and 13-15 have been objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states that the claims are drawn toward the operation of the system rather than toward the structure of the system.

Applicants submits that claims 6-9 and 13-15 are of proper dependent form. In particular, there is nothing inherently wrong with defining some part of an invention in terms of its operation or function. Functional language does not, in and of itself, render a claim improper. MPEP 2173.05(g). Therefore, there is nothing wrong with the operational features of claims 6-9 and 13-15. Claims 6-9 and 13-15 must be evaluated and considered just like any other claim limitation. Id. Since the Examiner has failed to do so, any subsequent Office Action should be made on a non-final basis. Furthermore, the cited prior art do not teach the elements of claims 6-9 and 13-15.

Claims 1-17 are pending in the present application. Claims 1-3, 6-11 and 13-17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kageyama et al. (U.S. Patent No. 5,303,336). Claims 4-5 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kageyama in view of Gase et al. (U.S. Patent No. 5,580,177). Claim 12 has

been objected to but would be allowed if rewritten in independent form. Applicant submits the following in traversal of the rejections.

***Rejection of claims 1-3, 6-11 and 13-17 under 102(b) as being anticipated by Kageyama***

The present invention relates to an information designating system which designates process control, and is applicable to a wide variety of process controls in for example, a flexible manufacturing line in a manufacturing factory.

Kageyama pertains to a printing server capable of printing documents from different printing terminals. Different computer terminals may have different printing protocols. In the past, different servers would be needed to accommodate each kind of printing protocol. Col. 1, lines 56-68. In Kageyama, an identifier is included on the document data sent to the server. The server recognizes the identifier and selects the appropriate protocol for printing the data. Col. 2, lines 18-32. Therefore, only one server is needed to accommodate different printing protocols.

Based upon these brief descriptions, it is apparent that Kageyama does not teach the elements of the present invention as further explained below.

**Claim 1**

The Examiner states that Kageyama teaches a process execution apparatus (printer engine 17) for executing a given process, a process control apparatus (printer controller 16) which executes a prescribed process control of the process execution apparatus, and a process designating apparatus (server 15) which designates the process control of the process control apparatus and that the process designating apparatus possesses a designation information list (print spool file part 152) for the process control.

It is not clear whether printing protocols 1661-1663 are process controls of printer controller 16. Assuming that is the case, the printer controller 16, and not server 15, designates process control printing protocols 1661-1663. Furthermore, the document data of print spool file part 152 are not designation information as described in the present invention by claims 11 and 12.

The Examiner also states that Kageyama teaches that the process control apparatus (printer controller 16) possesses a control mode table (command processing part 163) including a control mode which defines the actuation of the process designating apparatus (server 15).

The Examiner has not established where command processing part 163 includes a *control mode* that defines the actuation of the server 15. Assuming a control mode is taught, command processing part 163 does not appear to actuate server 15. Command processing part 163 processes the document data read out of the command buffer part 162 to carry out the interpretation and execution of the printing commands to obtain the printing data by using the selected command processing program. The obtained printing data are then sent to the printer output buffer part 167 for printing the document. Col. 6, lines 43-50. Therefore, the data in command processing part 163 has nothing to do with actuating server 15.

The Examiner also states that Kageyama teaches an information reader (server communication part 161) which reads the designation information from the designation information list (print spool file part 152). Contrary to the Examiner's contention, server communication part 161 receives document data from printer controller communication 153 and not from print spool file part 152. Furthermore, server communication part 161 does not read

information from print spool file part 152. Server communication part 161 receives data from printiner controller communication part 153 and stores the data in command buffer part 162.

For the above reasons, claim 1 and its dependent claims should be deemed patentable. Since claim 10 teaches similar elements, it is patentable for the same reasons.

**Claim 2**

The Examiner states that the process designating apparatus (server 15) makes a process designation via a local are network (network 10) or through a communication apparatus (printer controller communication 153), as described in claim 2.

Server 15 does not make a process designation via network 10. Document data 18 from terminals 1, 2 or 3 are sent via network 10 to the server 15. Process designation information (printing spool file part 152 as cited by the Examiner) is not sent via network 10. See col. 1, lines 28-35.

In addition, printer controller communication 153 transmits document data 1521 and 1522. As previously indicated, document data 1521 and 1522 are not designation information as described in the present invention. Therefore, a process designation is not made through a communication apparatus. Therefore, claim 2 should be deemed patentable.

**Claim 3**

The Examiner states that Kageyama teaches an information registration apparatus (document data formation part 111, 121 and 131) for intensively performing the registration of the designation information (printing spool file part 152) in the process designating apparatus (server 15) and the registration of the control mode in the process control apparatus (printer controller 16) at one portion.

Document data formation parts 111, 121 and 131 form document data 18 which is composed of a printing protocol identifier and a string of printing commands. Col. 4, lines 46-51. The document data is then transmitted via network 10 to server 15. There is no indication that data formation parts 111, 121 and 131 *register* the printing spool file part 152 in the server 15, as would be apparent to one of ordinary skill in the art.

Furthermore, data formation parts 111, 121, and 131 do not register a control mode in printer controller 16. It appears that the control modes (printing protocols 1661-1663) in printer controller 16 were registered in the memory prior to receiving information from data formation parts 111, 121 and 131. Col. 9, lines 7-13. Therefore, claim 3 should be deemed patentable.

**Claim 10**

Claim 10 describes a step in which after the process execution has been completed, the process control apparatus *makes a query* for the designation information to the process designation apparatus, a step in which *upon receiving the query* for the designation information, the process designating apparatus *reads* the designation information from the designation information list and presents the information utilizing a *response signal* to the process control apparatus, a step in which the process control apparatus *judges* whether or not the control mode is *switched to the next mode*, and if the process control apparatus *is judged to switch the control mode into the next control mode*, the process control apparatus *acquires a prescribed control mode from the control mode table* and initiates the acquired control.

The Examiner states that Kageyama teaches the elements of claim 10, citing col. 5, lines 7-32 in support. The respective column and lines cited by the Examiner describe the storing of document data 18 in the printing spool file part 152 of the server 15, reading out the document

data of the printing spool file part 152 and transmitting the document data to the printer controller 16, and giving an instruction for printing the document to the printer engine 17.

There is absolutely no indication of the steps described in claim 10. In particular, there is no indication that printer controller 16 makes a query for the information in printing spool file part 152, server 15 does not read the information from printing spool file 152 upon receiving a query for the information in printing spool file part 152 from printer controller 16 and there is no indication of a switching from a control mode to a next control mode and acquiring a control mode from the command processing part 163. Therefore, claim 10 should be deemed patentable.

**Claims 11 and 16**

Claim 11 requires that the designation information list comprise specification information of a product to be packaged.

Claim 16 requires that the control mode table defines printing data such as designed letters, patterned images, printing positions, sizes, and colors, wherein the printing data is registered for a plurality of products to be packaged.

The Examiner states that the recitation "a product *to be packaged*" is a recitation of what is desired to happen in the future, but does not positively recite a *method step*. Therefore, the Examiner will not give it patentable weight. Claims 11 and 16 pertain to a system. The Examiner's reasoning is unclear since a method step is not being recited.

In addition, the present invention pertains to a manufacturing line in which products are packaged. Claims 11 and 16 further describe the structure of the products in the present invention and should therefore be given patentable weight.

Also, the designation information list (printing spool file part 152) does not contain specification information about a product to be packaged (claim 11). Printing spool file part 152 contains first and second document data, 1521 and 1522 respectively, and does not contain information about a product. In particular, Kageyama has nothing to do with printing information for products, but relates to a printing server for printing documents (first and second document data).

In addition, the control mode table (command processing part 163) does not define printing data such as designed letters, patterned images, printing positions, sizes and colors (claim 16). Command processing part 163 has printing protocol discrimination 164 which discriminates the printing protocol identifiers (col. 5, lines 1-5) and printing protocol switching 165 which selects a command processing program 1661, 1662, or 1663 according to a printing protocol (col. 6, lines 36-42). There is no indication that command processing part 163 defines printing data such as designed letters, patterned images, printing positions, sizes and colors.

Claim 16 further describes that that the printing data is registered for a plurality of products. As previously indicated, Kageyama merely pertains to documents and has nothing to do with products as described in the present invention.

***Rejection of claims 4-5 and 17 under 103(a) as being unpatentable over Kageyama and Gase***

Gase pertains to a network in which a plurality of printers are connected to a server. The server verifies whether a printer driver procedure for the printers is the most updated printer driver procedure stored in a memory of the file server. If the printer driver is not the most updated printer driver procedure, the printer driver procedure is updated. See abstract.

**Claim 4**

Claim 4 describes that the process designating apparatus has a monitor for monitoring the operating condition of the process execution apparatus.

The Examiner states that Gase teaches a system having a process designating apparatus 16 with a monitor 24 for monitoring the operating condition of a process execution apparatus 20. Col. 5, lines 9-12.

Reference numeral 24 of Gase describes a printer utility program. The printer utility program allows a user to select a printer connected to file server 16. Col. 3, lines 5-8. Printer utility program 24 also enables automatic connection to file server 16 and to an appropriate print queue. Therefore, printer utility program 24 does *not* monitor the operating condition of a process execution apparatus.

Assuming Gase teaches the monitor of claim 4, the combination of Kageyama and Gase is not obvious. The Examiner states it would have been obvious to use the monitor of Gase with the system of Kageyama in order to more efficiently schedule process execution activities based on the status of the process execution apparatus. Kageyama has nothing to do with the status and schedule of a process execution apparatus. Kageyama is concerned with selecting an appropriate printing protocol for document data. Since Kageyama has nothing to do with the scheduling activities of a process execution apparatus, there would be no reason to combine the monitor of Gase with Kageyama, and the Examiner's reasoning is clearly a result of hindsight.

**Claim 5**

The Examiner states that claim 5 is rejected along with claim 4 because no further structure of the system has been recited. The Examiner's reasoning suffers from the same

deficiency indicated above. There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper. MPEP 2173.05(g). Therefore, there is nothing wrong with the functional limitations of claim 5 and claim 5 must be evaluated and considered just like any other claim limitation. Id.

Regardless, the cited prior art does not teach the elements of claim 5. Claim 5 describes that a monitor (print utility 24) acquires the operating condition of the process execution apparatus (printer 20) via the process control apparatus. Assuming client processors 10-12 taught the process control apparatus of claim 5, as indicated with respect to claim 4, print utility 24 does not acquire the operating condition of the process execution apparatus.

Therefore, claim 5 should be deemed patentable.

**Claim 17**

The Examiner states that Kageyama describes that the designation information list (printing spool file part 152) comprises an operating condition which includes a producing condition wherein a process execution apparatus (printer engine 17) executes printing, a switching condition wherein a process execution apparatus has completed printing and is ready to switch to a different control mode, and a stopping condition wherein the process execution apparatus is done printing and is ready to switch to a different control mode (claim 17). Col. 8, lines 3-10 and col. 9, lines 54-62.

The respective columns and lines cited by the Examiner describe that different printing protocols are provided in the printer controller 16 or the server 15 in advance and that when the printing protocol discrimination part 164 detects that the printing protocol has been changed, one of the command processing programs is selected which corresponds to the printing protocol.

Basically, that a printing protocol will be selected according to the document data. There is no indication that the status of printing is related to the selection of the protocol. Therefore, Kageyama does not teach the conditions of claim 17.

Applicant has added claims 18-25 to provide a more varied scope of protection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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